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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,331	11/06/2001	Yoichiro Sako		3841
7590	10/18/2005		EXAMINER	
Jay H Maioli Cooper & Dunham 1185 Avenue of the Americas New York, NY 10036			RHODE JR, ROBERT E	
		ART UNIT	PAPER NUMBER	3625

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/009,331	SAKO ET AL.
	Examiner Rob Rhode	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 August 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 7, 15 - 17 and 47 - 49 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 - 7, 15 - 17 and 47 - 49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

Applicant amendment of 8-15-05 amended claim 1, canceled claims 18 - 46 and added new claims 47 - 49 as well as traversed rejections of Claims 1 – 7 and 15 -17.

Currently, claims 1 - 7, 15 - 17 and 47 - 49 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1- 5, 7, 15 - 17 and 47 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba (US 5,931,908) in view of Kurokawa (US 5,929,930).**

Regarding claim 1, Gerba teaches an information service method, comprising steps of: synchronously transmitting program data and information associated with at least a program of the program data; receiving the program data and the associated information; reproducing the received program data and displaying the reproduced program data on a displaying device; and extracting information associated with a

selected by a viewer from the program data displayed on the displaying device from the information associated with the program (see at least Abstract, Col 1, lines 32 -38, Col 2, lines 17 – 22 and Col 5, lines 24 – 30 and 54 - 56).

While Gerba discloses overlaying functions, which occur simultaneously, the reference does not specifically disclose and teach a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section.

On the other hand and in the same area of superimposing a child screen on a display of program data, Kurokawa teaches a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section (see at least Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Gerba with the method of Kurokawa to have enabled a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section. Gerba discloses an information service method, comprising steps of: synchronously transmitting program data and information associated with at least a portion of the program data; receiving the program data and the associated information; reproducing the received program data and displaying the reproduced program data on a displaying device; and extracting information associated with a portion desired and selected by a viewer from the program data and the

associated and selected by a viewer from the program data displayed on the displaying device from the information associated with the program (see at least Abstract, Col 1, lines 32 -38, Col 2, lines 17 – 22 and Col 5, lines 24 – 30 and 54 - 56). In turn, Kurokawa, in the same area of displaying information discloses a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section (see at least Abstract). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Gerba with a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section. In this manner, the user will include the ability to use an overlay function such as child window for selecting a commodity.

Regarding claim 2, Gerba teaches an information service method, wherein the method is a method for buying the selected consumer commodity (Col 1, lines 36 -38 and Col 5, lines 48 – 56).

Regarding claim 3, Kurokawa teaches an information service method, wherein the selected consumer commodity is displayed on a child screen of the displaying portion (Abstract).

Regarding claim 4, Gerba teaches an information service method, wherein the selected consumer commodity and the information associated with the selected consumer commodity are switchably displayed on the child screen (Col 5, lines 48 – 56).

Regarding claim 5, Gerba teaches an information service method as wherein the information associated with the selected consumer commodity contains at least information about a price of the selected information about a name of that consumer commodity (Col 1, lines 36 – 38). Please note that Gerba does not specifically disclose price. However, Gerba does disclose ordering a musical album. In that regard, one of ordinary skill in the art would have been motivated to extend Gerba with a price for the album. In this manner, the buyer will know that exact cost of the album being ordered.

Regarding claim 7 and related claim 15, Gerba teaches a information service method wherein the information associated with the consumer commodity further contains information consumer commodity is bought through a network (Col 1, lines 49 - 52).

Regarding claim 16, Gerba teaches an information service method, wherein the information associated with the selected consumer commodity is data paired with bit map addresses of a display screen for the program data (Col 5, lines 62 - 63).

Regarding claim 17, Gerba teaches an information service method, wherein the information associated with the selected consumer commodity-is transmitted so that the information is synchronized with a picture of the program data (Abstract).

**Claims 6 and 47 – 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gerba and Kurokawa as applied to claims 1 and 5 above, and further in view of Burke (US 6,304,855 B1).**

The combination of Gerba and Kurokawa substantially discloses and teaches the applicant's invention.

While the combination does discloses selecting and buying a product, the reference does not specifically disclose and teach an information service method, wherein the information associated with the selected consumer commodity further contains information about a store from which the selected consumer commodity can be bought as well as storing of information.

Regarding claim 6, Burke teaches an information service method, wherein the information associated with the selected consumer commodity further contains information about a store from which the selected consumer commodity can be bought (Figure 16).

Regarding claim 47 (New), Burke teaches a information service method, further comprising the step of storing information related to the selected consumer commodity when the selected one of the plurality of consumer commodities is selected (Col 2, lines 7 – 10 and Col 10, lines 11 – 13).

Regarding Claim 48. (New), Burke teaches an information service method, wherein the information associated with the stored information is provided from an external apparatus when the stored information is transmitted to the external apparatus (Col 10, lines 11 - 13).

Regarding claim 49. (New), Burke teaches a information service method, wherein the information associated with the stored information is provided independently with the program data by referring to the stored information Abstract, Col 2, lines 7 – 10).

It would have been obvious to one of ordinary skill in the art to have provided the combination of Gerba and Kurokawa with the method of Burke to have enabled a method an information service method, wherein the information associated with the selected consumer commodity further contains information about a store from which the selected consumer commodity can be bought as well as storing of information. The combination of Gerba and Kurokawa discloses the claim language recitations of claim 1.

In turn, Burke discloses a method for an information service method; wherein the information associated with the selected consumer commodity further contains information about a store from which the selected consumer commodity can be bought as well as stored (Col 2, lines 7 – 10, Col 10, lines 11 – 13 and Figure 16). Thereby, one of ordinary skill in the art would have been motivated to extend the combination of Gerba and Kurokawa with a method for an information service method, wherein the

information associated with the selected consumer commodity further contains information about a store from which the selected consumer commodity can be bought as well as storing of information.

***Response to Arguments***

Applicant's arguments with respect to claims 1 - 7 and 15 - 17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

***Commissioner for Patents***

**P.O. Box 1450**

**Alexandria, Va. 22313-1450**

or faxed to:

**571.273.8300** [Official communications; including

After Final communications labeled

"Box AF"]

[Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

RER



Jeffrey A. Smith  
Primary Examiner